

**Town Board Minutes**  
(Municipal Review Committee )

**Meeting**  
**No. 24**

**Special Meeting**

**August 7, 2006**

# Town Board Minutes

August 7, 2006

Meeting No. 24

A joint meeting of the Town Board and the Planning Board of the Town of Lancaster, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 7<sup>th</sup> day of August 2006, at 6:30 PM and there were

**PRESENT:** DANIEL AMATURA, COUNCIL MEMBER  
MARK MONTOUT, COUNCIL MEMBER  
RONALD RUFFINO, COUNCIL MEMBER  
DONNA STEMPIAK, COUNCIL MEMBER  
ROBERT GIZA, SUPERVISOR  
REBECCA ANDERSON, PLANNING BOARD MEMBER  
JOHN GOBER, PLANNING BOARD MEMBER  
LAWRENCE KORZENIEWSKI, PLANNING BOARD MEMBER  
MELVIN SZYMANSKI, PLANNING BOARD MEMBER

**ABSENT:** MICHAEL MYSZKA, PLANNING BOARD MEMBER  
STEVEN SOCHA, PLANNING BOARD MEMBER  
STANLEY KEYSA, PLANNING BOARD CHAIRMAN

**ALSO PRESENT:** JOHANNA COLEMAN, TOWN CLERK  
RICHARD SHERWOOD, TOWN ATTORNEY  
JEFFREY SIMME, BUILDING INSPECTOR  
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES

## **PURPOSE OF MEETING:**

This joint meeting of the Town Board and Planning Board of the Town of Lancaster was held for the purpose of acting as a Municipal Review Committee for one (1) action.

**IN THE MATTER OF THE SEQR REVIEW OF THE  
MEADOWOOD APARTMENTS II**

The Municipal Review Committee proceeded with the Long Environmental Assessment Form on the Meadowood Apartments II rezone matter with an item for item review and discussion of the project impact and magnitude as outlined on the Long Environmental Assessment Form entitled "Part 2 Project Impacts and Their Magnitude" which was provided to each member.

**PLEASE TAKE NOTICE**, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is an unlisted action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.7, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.12.

**NAME AND ADDRESS OF LEAD AGENCY**

Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086  
Richard J. Sherwood, Town Attorney  
716-684-3342

**NATURE, EXTENT AND LOCATION OF ACTION:**

The proposed development is of a parcel involving approximately 16 acres.

The location of the premises being reviewed is situate south of Park Lane Apartments which are located at 4845 Transit Road and being vacant land east of Kohl's Department Store, County of Erie, Town of Lancaster, New York

THE FOLLOWING RESOLUTION WAS OFFERED BY  
COUNCIL MEMBER STEMPIAK, WHO MOVED  
ITS ADOPTION, SECONDED BY PLANNING BOARD  
MEMBER GOBER, TO WIT:

**RESOLVED**, that the following Negative Declaration be adopted:

**NOTICE OF DETERMINATION  
MEADOWOOD APARTMENTS  
NEGATIVE DECLARATION**

## REASONS SUPPORTING DETERMINATION

### FINDINGS STATEMENT - PROJECT IMPACTS

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found the proposed action impacts to be as follows:

1. The proposed action will result in a small to moderate physical change to the project site.
  - Construction on land where the depth to the water table is 2.5 feet.
2. The proposed action will not affect any unique or unusual land forms found on the site
3. The proposed action will not affect any water body designated as protected.
4. The proposed action will not affect any non-protected existing or new body of water.
5. The proposed action will have a small to moderate affect on surface or ground water quality or quantity.
  - It is noted that a State Pollution Discharge Elimination System (SPDES) General Permit for Discharge from Construction Activities is required during construction.
6. The proposed action will not alter drainage flow patterns or surface water runoff.
7. The proposed action will not affect air quality.
8. The proposed action will have a small to moderate affect on threatened or endangered species.
  - It is known that herbicides and or pesticides will be used for lawn care purposes.
9. The proposed action will not substantially affect non-threatened or non-endangered species.
10. The proposed action will not affect agricultural land resources.
11. The proposed action will not affect aesthetic resources.
12. The proposed action will not impact any site or structure of historic, pre-historic or paleontological importance.
13. The proposed action will not affect the quantity or quality of existing or future open spaces or recreational opportunities.
14. The Town of Lancaster has not established a critical environmental area (CEA) pursuant to subdivision 6NYCRR617.14(g), therefore the proposed action will not impact the exceptional or unique characteristics of a critical environmental area (CEA).

15. The proposed action will not affect existing transportation systems.
16. The proposed action will not affect the community's sources of fuel or energy supply.
17. There will not be objectionable odors, noise, or vibration as a result of this proposed action.
18. The proposed action will not affect public health and safety.
19. The proposed action will have a small to moderate affect the character of the existing community.
  - There may be a moderate increase in demand for police, fire & school services.
  - There will be a small increase in employment during construction.
  - There will be an increase in the density of land use.
20. There is not, nor is there likely to be, public controversy related to potential adverse environmental impacts.

s/s \_\_\_\_\_

SEAL

Robert H. Giza, Supervisor  
Town of Lancaster

August 7, 2006

and,

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

**BE IT FURTHER**

**RESOLVED**, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a vote which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYSZKA	WAS ABSENT
PLANNING BOARD MEMBER SOCHA	WAS ABSENT
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	WAS ABSENT

The Notice of Determination was thereupon unanimously adopted.

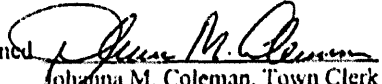
August 7, 2006

**ADJOURNMENT:**

ON MOTION OF PLANNING BOARD MEMBER ANDERSON AND  
SECONDED BY COUNCIL MEMBER RUFFINO FOR ADJOURNMENT OF THE  
MEETING, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYSZKA	WAS ABSENT
PLANNING BOARD MEMBER SOCHA	WAS ABSENT
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	WAS ABSENT

The meeting was adjourned at 6:56 P.M.

Signed   
Johanna M. Coleman, Town Clerk

# **Town Board Minutes**

**Meeting  
No. 25**

**Regular Meeting**

**August 7, 2006**



## **Town Board Minutes**

August 7, 2006

Meeting No. 25

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 7<sup>th</sup> day of August 2006 at 8:00 P.M. and there were

**PRESENT:** DANIEL AMATURA, COUNCIL MEMBER  
MARK MONTOUR, COUNCIL MEMBER  
RONALD RUFFINO, COUNCIL MEMBER  
DONNA STEMPIAK, COUNCIL MEMBER  
ROBERT GIZA, SUPERVISOR

**ABSENT:** NONE

**ALSO PRESENT:** JOHANNA COLEMAN, TOWN CLERK  
RICHARD SHERWOOD, TOWN ATTORNEY  
JEFFREY SIMME, BUILDING INSPECTOR  
GARY STOLDT, CHIEF OF POLICE  
TERRENCE McCracken, GENERAL CREW CHIEF  
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES

### **PERSONS ADDRESSING TOWN BOARD:**

**Chowaniec, Lee**, 93 Northwood Drive, spoke to the Town Board on the following matters:

- conditions at NEC Transit/William

**Trzecki, Cheryl**, 26 Petersbrook Circle, spoke to the Town Board on the following matter:

- Meadowoods Apartments II rezone matter

**Fronczak, Mike**, 3 Woodstream, spoke to the Town Board on the following matter:

- Nicholas Heights Subdivision

**Smaczniak, Bob**, 1164 Penora Street, spoke to the Town Board on the following matter:

- proposed patio homes south of Como Park Blvd.
- proposed Wal-Mart at NEC Transit/William

**Reinig, Irvine**, 380 Columbia Avenue, spoke to the Town Board on the following matter:

- condition of grounds at former Depew Public Library building

**Schneggenburger, Roy**, 87 Stony Road, spoke to the Town Board on the following matters:

- audited claims
- bond payments
- building permits
- property assessments

**PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:**

At 8:30 P.M., the Town Board held a Public Hearing to hear all interested persons upon an application by Anthony Mattiaccio (Zicbart) for a Special Use Permit to perform automotive services on premises located at 6495 Transit Road, Bowmansville, New York.

The affidavits of publication of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
Eric Tudor, Coldwell Banker representing Zicbart		Proponent
Joseph Cipolla, Bella Vista	6495 Transit Road	Proponent

ON MOTION BY COUNCIL MEMBER RUFFINO, AND SECONDED BY COUNCIL MEMBER MONTOUR, FOR ADJOURNMENT OF THE PUBLIC HEARING, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

The Public Hearing was adjourned at 8:34 P.M.

The Town Board, later in the meeting, adopted a resolution, hereinafter spread at length in these minutes, taking favorable action upon this matter.

August 7, 2006

**PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**RESOLVED**, that the minutes of the Joint Meeting of the Town Board and the Planning Board held July 17, 2006 and the Regular Meeting of the Town Board held July 17, 2006 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	ABSTAINED
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 7, 2006

File: RMIN (P2)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**WHEREAS**, Forbes Homes, Inc., 2635 Millersport Hwy, Getzville, New York,  
has requested the Town Board of the Town of Lancaster accept work completed under Street  
Lighting Public Improvement within Country Club Gardens Subdivision within the Town of  
Lancaster, and

**WHEREAS**, the Town Engineer has inspected the improvement and has  
recommended the approval thereof, and

**WHEREAS**, the Town Attorney has reported his favorable review of all necessary  
deeds, easements and documents required to be filed for the acceptance of this public  
improvement.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the following completed Street Lighting Public Improvement  
within Country Club Gardens Subdivision be and is hereby approved and accepted by the Town  
Board of the Town of Lancaster:

P.I.P. No. 611 - Street Lights  
and,

**BE IT FURTHER**

**RESOLVED**, that a copy of this resolution be directed by the Town Clerk to the  
New York State Electric & Gas Corporation with a request to energize the street lights herein.

The question of the adoption of the foregoing resolution was duly put to a vote on  
roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 7, 2006  
File: RPIP (P4)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR. TO WIT:

**WHEREAS,** Jeff Schwartz, 6495 Transit Road, Bowmansville, New York, Vice President of J & J Trucking Repair, has submitted an application for a Special Use Permit to provide the following services for tractor trailers: preventative maintenance and routine cleaning, and lite mechanical repairs for tractor trailers and trailer beds (no heavy engine work) in accordance with provisions of Chapter 50-Zoning, Section 20 (B) (1) (j) of the Code of the Town of Lancaster to be located at 6495 Transit Road wherein the applicant will be a tenant of the Bella Vista Group, and

**WHEREAS,** the property is currently zoned CMS - Commercial Motor Service which permits automobile repair and services only where a special use permit is granted by the Town Board of the Town of Lancaster after a public hearing, and

**WHEREAS,** the owner of the property Bella Vista Group has provided a letter stating its desire to lease the property to the beforementioned tenant for the proposed use and requests that the Town Board grant the required Special Use Permit, and

**WHEREAS,** §50-46 of the Zoning Code of the Town of Lancaster requires that the Town Board conduct public hearings before the issuance of a special use permit for a use as proposed;

**NOW, THEREFORE, BE IT**

**RESOLVED,** that pursuant to Chapter 50-Zoning, Section 20 (B) (1) (j), entitled "Commercial and Motor Service District (CMS)" of the Code of the Town of Lancaster, a Public Hearing on the proposed Special Use Permit to provide the following services for tractor trailers: preventative maintenance and routine cleaning, and lite mechanical repairs for tractor trailers and trailer beds (no heavy engine work) on premises locally known as 6495 Transit Road in the Town of Lancaster, New York, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 21st day of August, 2006, 8:30 o'clock P.M., Local Time, and that Notice of the time and place of such Hearing be published in the Lancaster Bee, a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board and that a copy of such Notice of Hearing be referred to the Erie County Department of Planning, pursuant to Section 239(m) of the General Municipal Law, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 7, 2006

File: rspecialusejjtrucking806

**LEGAL NOTICE  
PUBLIC HEARING  
SPECIAL USE PERMIT - J & J TRUCKING REPAIR  
6495 TRANSIT ROAD**

**LEGAL NOTICE IS HEREBY GIVEN**, that pursuant to the authority set forth in Chapter 50-Zoning, Section 20 (B) (1) (j), entitled "Commercial and Motor Service District (CMS)" of the Code of the Town of Lancaster, and the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster adopted on the 7<sup>th</sup> day of August, 2006 the said Town Board will hold a Public Hearing on the 21st day of August, 2006, at 8:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the application of Jeff Schwartz, Vice President of J & J Trucking Repair, for a Special Use Permit to provide the following services for tractor trailers: preventative maintenance and routine cleaning, and lite mechanical repairs for tractor trailers and trailer beds (no heavy engine work) on premises locally known as 6495 Transit Road, Town of Lancaster, County of Erie, State of New York.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**BY:       JOHANNA M. COLEMAN  
Town Clerk**

August 7, 2006

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**WHEREAS**, the developer has requested the Town Board of the Town of Lancaster accept a completed Public Improvement within Pleasant Meadows Subdivision I within the Town of Lancaster, and

**WHEREAS**, the Town Engineer, by letter dated July 27, 2006, has inspected the improvement and has recommended the approval thereof, and

**WHEREAS**, the Town Attorney, by letter dated July 28, 2006 has directed the Town Clerk to prepare a resolution for the acceptance of this public improvement.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the following completed Public Improvement within Pleasant Meadows Subdivision I be and is hereby approved and accepted by the Town Board of the Town of Lancaster:

P.I.P. No. 607 - Detention Basin

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 7, 2006

File RPIP (P13)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS, ANTHONY INSINNA, WNY REAL ESTATE GROUP, L.L.C.,**  
20 Losson Road, Suite 215, Cheektowaga, New York 14227 as contract vendee of Hillview  
Baptist Church, the owner of a parcel of land located on 26 Rehm Road, Depew, New York,  
has petitioned the Town Board of the said Town for the rezone of said property from a  
Residential District One (R-1) to Neighborhood Business (NB), and

**WHEREAS,** the Petition has been referred to the Planning Board of the Town of  
Lancaster for its recommendation and report;

**NOW, THEREFORE, BE IT**

**RESOLVED,** that pursuant to Sections 130 and 265 of the Town Law of the State  
of New York a Public Hearing on the proposed rezone will be held at the Town Hall, 21 Central  
Avenue, Lancaster, New York, on the 21<sup>st</sup> day of August, 2006, at 8:35 o'clock P.M., Local  
Time, and that Notice of the Time and Place of such Hearing be published in the Lancaster Bee,  
a newspaper of general circulation in said Town on August 10, 2006 and be posted on the Town  
Bulletin Board, and that Notice of such Hearing be referred to the Erie County Department of  
Planning, pursuant to Section 239 (m) of the General Municipal Law, which Notice shall be in  
form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on  
roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 7, 2006

File: rezonedaycarecentcmehmroad806



**LEGAL NOTICE  
PUBLIC HEARING  
REZONE - 26 REHM ROAD  
TOWN OF LANCASTER**

**LEGAL NOTICE IS HEREBY GIVEN**, that pursuant to the Town Law of the State of New York and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on August 7, 2006, the said Town Board will hold a Public Hearing on the 21st day of August, 2006 at 8:35 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the following proposed amendment to the Zoning Ordinance and Zoning Map of the Town of Lancaster, rezoning the following described real property from a Residential District One (R-1) to a Neighborhood Business (NB) , and:

**ALL THAT TRACT OR PARCEL OF LAND**, situate in the Town of Lancaster, County of Erie and State of New York, being part of Lot No. 12, Section 11, Township 11, Range 6 of the Holland Land Company's Survey, described as follows:

**BEGINNING AT A POINT** in the northerly line of Rehm Road at the southeast corner of lands conveyed to Edward Hartel by deed recorded in Erie County Clerk's Office in liber 1710 of Deeds page 217:

**THENCE** northerly along the easterly line of lands conveyed to Hartel by aforesaid deed and the easterly line of lands conveyed to Henry V. Hoffman and Vincent J. Hoffman by deed recorded in Erie County Clerk's Office in liber 3410 of Deeds page 107, Tom H. Nichols and H. Dolly his wife by deed recorded in Erie County Clerk's Office in liber 3848 of Deeds page 185, Tom H. Nicholas by deed recorded in Erie County Clerk's Office in liber 3970 of Deeds page 131, three hundred seventy (370) feet to the northeast corner of lands conveyed to Nichols by last mentioned deed:

**THENCE** continuing northerly along the last line of lands conveyed to Nichols by last mentioned deed as extended northerly and along the east line of lands conveyed to George R. Gradler and Julia D. his wife by deed recorded in Erie County Clerk's Office in liber 3938 of Deeds page 289, Donald S. Nesbitt and Dorothy G. his wife by deed recorded Erie County Clerk's Office in liber 3619 of Deeds page 474 about two hundred forty-seven and fifty-four hundredths (247.54) feet to the northeast corner of lands conveyed to Nesbitt by aforesaid deed, said northeast corner being a point in the south line of lands conveyed to Pardon H. Greene by deed recorded in Erie County Clerk's Office in liber 210 of Deeds page 133:

**THENCE** easterly along the south line of lands conveyed to Greene by aforesaid deed nine hundred eighty and thirty-nine hundredths (980.39) feet to a point in the east line of Lot No. 12:

**THENCE** southerly along the east line of Lot No. 12, six hundred seven and eighty-three hundredths (607.83) feet to a point in the northerly line of Rehm Road fifty and six hundredths (50.06) feet northerly from the north line of the Village of Depew, said north line being the center line of Rehm Road and one thousand three hundred twenty-six (1326) feet easterly from the intersection of the said north line of the Village of Depew with the center line of Transit Road as measured along the said north line of the Village of Depew:

**THENCE** westerly along the north line of Rehm Road to the southeast corner of lands conveyed to The Bible Fellowship Church of Lancaster by deed recorded in Erie County Clerk's Office in liber 6473 of Deeds page 289:

**THENCE** northerly along the east line of lands conveyed to said Church by aforesaid deed two hundred sixteen (216) feet to the northeast corner thereof:

**THENCE** westerly along the north line of lands conveyed to said Church by aforesaid deed and along the north line of lands conveyed to Charles H. Durrenberger and Ruth C. his wife by deed recorded in Erie County Clerk's Office in liber 6222 of Deeds page 270, Edward A. Durrenberger and Julia his wife by deed recorded in Erie County Clerk's Office in liber 6222 of Deeds page 278, Edward A. Durrenberger and Julia A. Durrenberger by deed recorded in Erie County Clerk's Office in liber 4395 of Deeds page 346, five hundred twenty-five (525) feet to the northwest corner of lands conveyed to Durrenberger by last mentioned deed:

**THENCE** southerly along the west line of lands conveyed to Durrenberger by last mentioned deed two hundred twenty-four and five tenths (224.5) feet to a point in the north line of Rehm Road one hundred seven and five tenths (107.5) feet easterly from the point of beginning:

**THENCE** westerly along the north line of Rehm Road one hundred seven and five tenths (107.5) feet to the point of beginning.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

TOWN BOARD OF THE  
TOWN OF LANCASTER

BY: JOHANNA M. COLEMAN  
Town Clerk

August 7, 2006

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AMATURA, TO WIT:

**WHEREAS**, Pleasant Meadows LLC, 2730 Transit Road, West Seneca, New York 14224 has heretofore applied for approval of a 105 single family patio homes development to be known as "The Courtyard at Pleasant Meadows Subdivision" located on the north side of Walden Avenue, south of Pleasant View Drive between Central Avenue and Stony Road in the Town of Lancaster, and

**WHEREAS**, the Planning Board and Town Engineer have given their approval to the filing of this Subdivision, and

**WHEREAS**, the Town acting as lead agency has completed an environmental review in conformance with SEQR (State Environmental Quality Review) regulations, and

**WHEREAS**, the Town Board of the Town of Lancaster has duly reviewed and considered the proposed subdivision;

**NOW, THEREFORE, BE IT**

**RESOLVED**, as follows:

1. That the Town Board of the Town of Lancaster hereby approves the proposed 105 single family patio homes development final plat as prepared by Greenman-Pedersen, Inc. Consulting Engineers and filed with the Town Clerk for the development to be known as "The Courtyard at Pleasant Meadows Subdivision" for filing in the Erie County Clerk's office upon the following conditions:

- a) That the developer install an appropriate 19<sup>th</sup> century fence of a wrought iron nature around the perimeter of the cemetery on Pleasant View Drive situate north of the development site.
- b) Installation of a five (5) foot wide sidewalk on one side of street
- c) Installation of private asphalt roads, twenty four (24) feet in width with a 24" gutter concrete curb on each side of the private roads.
- d) That the developer maintain a uniform setback of at least eighteen (18) feet between the inside boundary line of the sidewalks and the face of all garages, and, that where there are no sidewalks that the developer maintain a setback of 25' from the inside of the gutter concrete curb to the face of all garages.
- e) That trees indigenous to Western New York and as approved by General Crew Chief Terrance McCracken be planted around the perimeter of all common areas.

2. That the Town Clerk be and is hereby directed to properly endorse the approval of the Town Board of the Town of Lancaster on the linen copy thereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 7, 2006

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Chief of Police of the Town of Lancaster, by memorandum dated July 26, 2006, has recommended the utilization of a Police Officer in the capacity of full-time D.A.R.E. Officer to fill the vacancy created by the recent retirement of Lieutenant Timothy Domino.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Police Officer Patrick O'Brien be and is hereby appointed to the full-time position of D.A.R.E. Officer in the Town of Lancaster Police Department, with the salary of \$60,071 effective August 28, 2006.

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTGOMERY	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 7, 2006

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA. WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**WHEREAS**, the Chief of Police of the Town of Lancaster, by memorandum dated July 26, 2006, has recommended the following promotions from Patrolman to Lieutenant effective August 25, 2006.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that James Robinson and William Karn be and are hereby appointed Lieutenants in the Town of Lancaster Police Department, effective August 25, 2006, with salaries as follows:

08/25/06 - start of 1 <sup>st</sup> half of probationary period:	\$62,966 per annum
11/25/06 - start of 2 <sup>nd</sup> half of probationary period	\$65,414 per annum

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 7, 2006

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED IT'S ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, §1660 (18) Vehicle and Traffic Law permits the Town to designate the location of stop signs and no-passing zones affecting town roads outside of the Villages of Lancaster and Depew, and

**WHEREAS**, the Town Board of the Town of Lancaster deems it in the public interest to make certain amendments to the Town Ordinance entitled, "VEHICLE AND TRAFFIC ORDINANCE OF THE TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK, DESIGNATED AS CHAPTER 46 OF THE CODE OF THE TOWN OF LANCASTER".

**NOW, THEREFORE, BE IT**

**RESOLVED**, that pursuant to Section 130 of the Town Law of the State of New York, a public hearing on proposed amendments to the Vehicle & Traffic Ordinance, Chapter 46 of the Code of the Town of Lancaster, County of Erie and State of New York, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 21st day of August 2006, at 8:40 o'clock P.M., Local Time, and that Notice of the Time and Place of such hearing be published on or before August 10, 2006, in the Lancaster Bee, the Official Newspaper, being a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 7, 2006

File: rvtordchpt46stopsigns806

**LEGAL NOTICE  
PUBLIC HEARING  
AMENDMENT TO VEHICLE & TRAFFIC ORDINANCE  
TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK  
DESIGNATED AS CHAPTER 46 OF CODE OF TOWN OF LANCASTER**

**LEGAL NOTICE IS HEREBY GIVEN** that pursuant to the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 7th day of August, 2006, the said Town Board will hold a Public Hearing on the 21st day of August, 2006, at 8:40 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all persons upon the following amendments to the Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 46 of the Code of said Town:

**CHAPTER 46**

**Article VIII, STOP INTERSECTIONS; NON-INTERSECTION  
STOPS; YIELD INTERSECTIONS**

**46-8.1 Stop Intersections designated, is hereby amended by adding  
thereto the following:**

**PLEASANT MEADOWS SUBDIVISION**

		<b>SIGN</b>
<b><u>STREET NAME</u></b>	<b><u>INTERSECTING STREET</u></b>	<b><u>LOCATION</u></b>
Red Clover Lane	Chicory Lane	N.W. Corner
Red Clover Lane	Juniper Boulevard	N.E. Corner
Chicory Lane	Juniper Boulevard	N.E. Corner
Sweet Briar Court	Chicory Lane	N.W. Corner
Juniper Boulevard	Pleasant View Drive	S.E. Corner

Full opportunity to be heard will be given to any and all citizens  
and all parties in interest.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

By: **JOHANNA M. COLEMAN**  
Town Clerk

August 7, 2006

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER MONTOUR. TO WIT:

**WHEREAS**, Creekside Development LLC, 180 Genesee Street, Corfu, New York, 14036, has applied to the Town Board of the Town of Lancaster for a permit to construct a Public Improvement upon real property in the Town of Lancaster within Whispering Pines Subdivision, and

**WHEREAS**, the Town Engineer of the Town of Lancaster has certified on the following permit application that he has reviewed the improvement plans and permit application for the installation of the public improvement requested, and that it conforms to the Ordinances of the Town of Lancaster.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Public Improvement Permit Application No.616 of Creekside Development LLC, 180 Genesee Street, Corfu, New York, 14036, for the installation of:

P.I.P. No. 616 (Street Lights)	Install 7 street lights at Whispering Pines Subdivision
-----------------------------------	--

be and is hereby approved and the installation of the improvement requested be and is hereby authorized.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 7, 2006

File: RPIP (P3)



THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS**, the Twin District Volunteer Fire Company, Inc., by letter  
dated July 28, 2006 has requested the addition of a member to the roster of said fire association.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby confirms  
the addition to the membership of the Twin District Volunteer Fire Company the following  
individual:

**ADDITION:**

Matthew Thoman

The question of the adoption of the foregoing resolution was duly put to a  
vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 7, 2006

File: RFIRE (P4)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**WHEREAS**, a Public Hearing was held on the 17<sup>th</sup> day of July, 2006, on the petition of **Federal Storage of WNY**, for the rezone of certain property (S.B.L. No. 126.01-1-4.23) located south of Parklane Apartments which are located at 4845 Transit Road and being the vacant land east of Kohl's Department Store in the Town of Lancaster, New York from a Residential District One (R-1) to Multi-Family Residential District Four (MFR-4), and

**WHEREAS**, the Planning Board of the Town of Lancaster at its meeting held June 21, 2006 recommended approval of the rezone with the condition that an easterly portion of the parcel be dedicated in perpetuity as a buffer between the proposed MFR-4 development and the existing R-1 single family residential to the east, and

**WHEREAS**, a SEQR review was completed by the Town of Lancaster acting as lead agency on the proposed rezone with site development plan on August 7, 2006 and a Negative Declaration issued, and

**WHEREAS**, in accordance with Section 239 (m) of the General Municipal Law of the State of New York, the Erie County Department of Planning has reviewed such application for rezone and has no objection with respect thereto, and

**WHEREAS**, the Town Board has made the following findings:

- 1) That the property in question is within an area illustrated on the Master Plan of the Town of Lancaster as slated for mixed zoning including residential, commercial and office uses.
- 2) That the property adjacent to the north is zoned MFR-4 (Multi-family residential) and is developed as an apartment complex.
- 3) That the property adjacent to the south is vacant and is zoned MFR-3 (Multi-family Residential) which permits construction of multiple dwellings.
- 4) That the property to the east is zoned R-1 (Residential District One) and is developed as a residential subdivision.
- 5) That the developer owns a total of 16 acres and proposes developing four acres as buildings and roads. The development plan proposes that the easterly 190 feet of the parcel remain undeveloped and zoned R-1 thereby providing a buffer to the single family residential to the east.
- 6) That access to the project is proposed through the adjacent property to the north by easement over which residents of the proposed development will have ingress and egress access to Transit Road.

7) That emergency vehicles will have a secondary access to the premises by private roadway which is an extension of the paved area of the Kohls development on Transit Road, said stone drive running easterly over the Kohls property to the west property line herein and that the development plan calls for a crash gate at the terminus of this private roadway at the west boundary of the development herein so that non-emergency response motor vehicles will not be able to access Transit Road from this development over the Kohl's property.

**NOW THEREFORE, BE IT**

**RESOLVED,** as follows:

1. That the Zoning Map which is a part of the Zoning Code of the Town of Lancaster is hereby amended and revised subject to the conditions herein so that the real property hereinafter described is changed from a Residential District One (R-1) to Multi-Family Residential District Four (MFR-4):

**ALL THAT TRACT OR PARCEL OF LAND**, situate in the Town of Lancaster, County of Erie, State of New York, all as shown on a map entitled "Kohl's Department Store - Subdivision Plan", prepared by Costich Engineering, P.C., having Drawing No. 3396-3, dated October 13, 2003, last revised July 9, 2004 being more particularly bounded and described as follows:

Commencing at a point on the centerline of Transit Road, said point also being the northwest corner of Lot 96; thence

- A. Southerly, along said centerline of Transit Road, a distance of approximately 980 feet to a point; thence
- B. N88°25'25"E, a distance of 1,219.19 feet to the point and place of beginning; thence
  - 1) Continuing N88°25'25"E along the aforesaid line, a distance of 1,223.81 feet to a point; thence
  - 2) S01°18'52"E, a distance of 461.34 feet to a point; thence
  - 3) S88°45'24"W, 38.36 feet; thence
  - 4) S01°18'52"E, 40 feet; thence
  - 5) S88°45'24"W, a distance of 1,197.49 feet to a point; thence
  - 6) N00°05'11"E, a distance of 493.24 feet to the point and place of beginning.

2. That this zoning change shall be effective upon the following conditions being met by the developer:

- a) That all traffic ingress and egress from Transit Road to the site be controlled over a private road from this development connecting into the private road of the MFR-4 zoned property adjacent north with the appropriate easement filed in the Erie County Clerk's Office granting the right of such ingress and egress to Transit Road.
- b) That stormwater detention for this development will be provided on site and be connected to the storm water drainage system located on the property to the north with an easement permitting such connection to be recorded in the Erie County Clerk's Office.
- c) That the developer plant trees and vegetation as determined by the Town Board to cause additional sight line buffering of the buildings from the single family homes to the east to include berms where deemed feasible and appropriate in the remaining R-1 zoned areas to the east of the development site.

d) That the developer make drainage improvements along the east lot line prior to issuance of building permits.

e) That the developer install a stone drive from the private roadway on the property to the west line of the Kohl's property and install a crash gate on the common boundary line between the Property and the Kohl's property such that emergency vehicles can gain access to the property over the stone drive but such crash gate shall otherwise prevent non-emergency motor vehicles from having access from the property across the Kohl's property to Transit Road, and

**BE IT FURTHER**

**RESOLVED** that the Town Clerk of the Town of Lancaster is hereby directed to undertake the following actions:

(1) Recite the Zoning Map amendment of the Town Zoning Code in the minutes of the meeting of the Town Board of the Town of Lancaster held on the 7<sup>th</sup> day of August 2006;

(2) Publish a certified copy of the amendment in the Lancaster Bee on or before the 10<sup>th</sup> day of August, 2006.

(3) File the Affidavit of Publication in the Town Clerk's Office.

(4) Furnish a certified copy of this resolution to the Erie County Department of Environment and Planning.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 7, 2006

File: rphrezonemeadowwoodsapartments706a

**LEGAL NOTICE  
NOTICE OF ADOPTION OF AMENDMENT  
ZONING ORDINANCE, TOWN OF LANCASTER  
MEADOWOOD APARTMENTS II  
TRANSIT ROAD, S.B.L. No. 126.01-1-4.23**

**LEGAL NOTICE IS HEREBY GIVEN** that the Zoning Ordinance of the Town of Lancaster is hereby amended and the Zoning Map of the said Town is hereby changed so that the real property hereinafter described is changed from a Residential District One (R1) to Multi-Family Residential District Four (MFR-4):

**ALL THAT TRACT OR PARCEL OF LAND**, situate in the Town of Lancaster, County of Erie, State of New York, all as shown on a map entitled "Kohl's Department Store - Subdivision Plan", prepared by Costich Engineering, P.C., having Drawing No. 3396-3, dated October 13, 2003, last revised July 9, 2004 being more particularly bounded and described as follows:

Commencing at a point on the centerline of Transit Road, said point also being the northwest corner of Lot 96; thence

- A. Southerly, along said centerline of Transit Road, a distance of approximately 980 feet to a point; thence
- B. N88°25'25"E, a distance of 1,219.19 feet to the point and place of beginning; thence
  - 1) Continuing N88°25'25"E along the aforesaid line, a distance of 1,223.81 feet to a point; thence
  - 2) S01°18'52"E, a distance of 461.34 feet to a point; thence
  - 3) S88°45'24"W, 38.36 feet; thence
  - 4) S01°18'52"E, 40 feet; thence
  - 5) S88°45'24"W, a distance of 1,197.49 feet to a point; thence
  - 6) N00°05'11"E, a distance of 493.24 feet to the point and place of beginning

**August 7, 2006**

**STATE OF NEW YORK :  
COUNTY OF ERIE : ss:  
TOWN OF LANCASTER :**

**THIS IS TO CERTIFY** that I, Johanna M. Coleman, Town Clerk of the Town of Lancaster, in said County of Erie, have compared the foregoing copy of an Ordinance on the 7th day of August 2006 and that the same is a true and correct copy of said original, and of the whole thereof.

**IN WITNESS WHEREOF**, I have hereunto signed my hand and affixed the Seal of said Town this 7th day of August, 2006.

**(S E A L)**

\_\_\_\_\_  
Johanna M. Coleman, Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**WHEREAS**, Homes by Natale, Inc., 2250 Wehrle Drive, Williamsville, New York 14221 has heretofore applied for approval of a 43 single family residential subdivision to be known as "Nicholas Heights Subdivision" located on the south side of William Street between Lake Avenue and Rollingwood Drive in the Town of Lancaster, and

**WHEREAS**, the Planning Board and Town Engineer have given their approval to the filing of this Subdivision, and

**WHEREAS**, the Town acting as lead agency has completed an environmental review in conformance with SEQR (State Environmental Quality Review) regulations, and

**WHEREAS**, the Town Board of the Town of Lancaster has duly reviewed and considered the proposed subdivision;

**NOW, THEREFORE, BE IT  
RESOLVED**, as follows:

1. That the Town Board of the Town of Lancaster hereby approves the proposed single family residential subdivision as prepared by GPI Engineering & Surveying, LLP dated July 31, 2006 and filed with the Town Clerk on August 3, 2006 for the subdivision to be known as "Nicholas Heights Subdivision" for filing in the Erie County Clerk's office.

2. That the Town Clerk be and is hereby directed to properly endorse the approval of the Town Board of the Town of Lancaster on the linen copy thereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED NO
COUNCIL MEMBER MONTOUR	VOTED NO
COUNCIL MEMBER RUFFINO	VOTED NO
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED NO

August 7, 2006

File: nicholasheightsfinalplatapproval806

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA. WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER MONTOUR, TO WIT:

**RESOLVED**, that the following Audited Claims be and are hereby ordered paid from  
their respective accounts as per abstract to be filed in the Office of the Town Clerk by the Director  
of Administration and Finance, to wit:

Claim No. 3345 to Claim No. 3690 Inclusive

Total amount hereby authorized to be paid: \$777,514.81

The question of the foregoing resolution was duly put to a vote on roll call which  
resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 7, 2006

File: Reclaims

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**RESOLVED** that the following Building Permit applications be and are hereby reaffirmed:

**CODES:**

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

(V/L) = Village of Lancaster

**NEW PERMITS:**

13958	Pat White Const Inc	28 Apple Blossom Blvd	Er. Deck	
13959	Clover Management	330 Harris Hill Rd	Er. Comm. Alt.	
13960	Rich Pools	9 Greenbriar Dr	Er. Pool-Abv Grnd	
13961 SW	Symons, Robert	1190 Ransom Rd	Er. Dwlg.-Sin.	
13962	Klock, M	123 Lake Ave	Er. Fence	(V/L)
13963	Iroquois Fence, Inc	59 Tomahawk Trl	Er. Fence	
13964	Haaf, Corry	18 Mount View Pl	Er. Fence	(V/L)
13965	SBS Home Impr	5 Wildwood Dr	Er. Deck	(V/L)
13966	Advision Inc	1821 Como Park Blvd	Er. Sign-Wall	(V/L)
13967	RTS Fence Co	47 Cowing St	Er. Fence	(V/L)
13968	Barrett, Barb	2 Fox Trace	Er. Deck	
13969	Premier Fence	185 Pleasant View Dr	Er. Deck	
13970	Moderncraft	123 Norris Ave	Er. Res. Add.	(V/L)
13971	Prout, Jack	565 Pleasant View Dr	Er. Deck	
13972 SW	Domin, Jack	323 Stony Rd	Er. Dwlg.-Sin.	
13973	Albee, Ross	329 Central Ave	Er. Sign	(V/L)
13974	Randaccio, Albert	12 Primrose Ln	Er. Dwlg.- Sin.	
13975	JLB Installation Inc	216 Nathan's Trl	Er. Fence	
13976	JLB Installation Inc	216 Nathan's Trl	Er. Pool-In Grnd	
13977	Iroquois Fence Inc	5125 William St	Er. Fence	
13978	Grimm Const Corp	4827 Transit Rd	Dem./Er. Dwlg.	
13979	Vallely, Mike	24 Apple Blossom	Er. Deck	
13980	Staychock, R.A.	4971 William St	Inst. Basement Entr.	
13981	Marrano/Marc Equity	20 Chicory Ln	Er. Dwlg.-Sin.	
13982	Majestic Pools Inc	35 Giele Ave	Er. Pool-In Grnd	
13983	Majestic Pools Inc	35 Giele Ave	Er. Fence	
13984	David & Sons Const.	106 Stutzman Rd	Er. Res. Alt.	
13985	Wilcox Bros Sign Co	1765 Como Park Blvd	Er. Sign	
13986	Lleras, Anthony	13 Parkedge Dr	Er. Deck	
13987	Duro-Shed Inc	28 Gale Dr	Er. Shed	
13988	Raichel, John	517 Lake Ave	Dem. Storage Bldg	
13989	Parco Building Systems	517 Lake Ave	Er. Garage	
13990	Premier Fence	59 Village View	Er. Fence	
13991	Konst, Nellie	3803 Bowen Rd	Dem. Barn	



13992	Bruschi, Sandra	697 Pavement Rd	Er. Garage	
13993	Decks Etc Inc	18 Steinfeldt Rd	Er. Deck	
13994	Rich Pools	19 Stony Brook Dr	Er. Pool-Abv Grnd	
13995	Capital Fence Co	5182 Genesee St	Er. Fence	
13996	Beauty Pools Inc	41 Summerfield Dr	Er. Pool-In Grnd	
13997	Beauty Pools Inc	41 Summerfield Dr	Er. Fence	
13998	Premier Fence	2 Biscayne Dr	Er. Fence	
13999	Premier Sign Systems	6495 Transit Rd	Er. Sign-Wall	
14000	Mother Of The Rosary	6298 Broadway	Er. Bell Tower	
14001	Marrano/Marc Equity	15 Red Clover Ln	Er. Dwlg.-Sin.	
14002	Marrano/Marc Equity	22 Red Clover Ln	Er. Dwlg.-Sin.	
14003	Rich Pools Inc	29 Creekwood Dr	Er. Pool-Abv Grnd	
14004	Guida, James	6427 Transit Rd	Dem. Storage Bldg	
14005	Majestic Pools Inc	8 Heathrow Ct	Er. Pool-In Grnd	
14006	Majestic Pools Inc	8 Heathrow Ct	Er. Fence	
14007	Majestic Pools Inc	4 Heathrow Ct	Er. Pool-In Grnd	
14008	Majestic Pools Inc	4 Heathrow Ct	Er. Fence	
14009	Iroquois Fence Inc	68 Michael's Walk	Er. Fence	
14010	Iroquois Fence Inc	49 Southpoint Dr	Er. Fence	
14011	Premier Fence Inc	7 Fox Hunt Rd	Er. Deck	
14012	Energy Efficient Homes	45 Court St	Er. Res. Add.	(V/L)
14013	Energy Efficient Homes	45 Court St	Er. Deck	(V/L)
14014 SW	Parco Building Systems	0 Erie St	Er. Comm. Bldg.	
14015	Lasky, George	15 Ann Marie Dr	Er. Fence	
14016	Kid's Komer	2655 Wehrle Dr	Er. Sign-Temp	
14017	Pohle, James	5 Trentwood Trl	Er. Pool-Abv Grnd	
14018	Alberti, Mark	491 Erie St	Er. Comm. Bldg.	
14019	Marrano/Marc Equity	17 Chicory Ln	Er. Dwlg.-Sin.	
14020	Smistek, Jerry	806 Ransom Rd	Er. Deck	
14021	Patio Enclosures	36 Pheasant Run Ln	Er. Deck	
14022	Gruenauer, Patrick	72 Hinchey Ave	Er. Shed	(V/L)
14023	Mikler, Frank	11 Ashwood Ct	Er. Deck	
14024	Sebastiano Const	90 Old Post Rd	Er. Res. Alt.	
14025	Residential Const.	14 Riemers Ave	Er. Res. Add.	
14026	Andrzejewski, Sherry	5726 Broadway	Er. Garage	
14027	Duro Shed Inc	9 Chestnut Corner	Er. Shed	

#### BE IT FURTHER

**RESOLVED**, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 7, 2006

File: Rbldg2

## **SUSPENDED RESOLUTIONS:**

Supervisor Giza requested a suspension of the necessary rules for immediate consideration of the following resolutions:

Council Member Ruffino moved to suspend the necessary rules for immediate consideration of the following resolutions, seconded by Council Member Montour, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

## **SUSPENSION GRANTED**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED IT'S ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**WHEREAS**, §1660 (18) Vehicle and Traffic Law of the State of New York authorizes the Town to restrict and prohibit the parking standing and stopping of vehicles on Town and County roads outside of villages within the Town, and

**WHEREAS**, the Town Board of the Town of Lancaster deems it in the public interest to make certain amendments to the Town Ordinance entitled, "VEHICLE AND TRAFFIC ORDINANCE OF THE TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK, DESIGNATED AS CHAPTER 46 OF THE CODE OF THE TOWN OF LANCASTER", to provide for the enforcement of parking, stopping and standing regulations with respect to devices which may be transported or drawn upon a highway including but not limited to, trailers and campers as such devices are defined as vehicles pursuant to §159 Vehicle & Traffic Law of the State of New York.

### **NOW, THEREFORE, BE IT**

**RESOLVED**, that Chapter 46, Article XI of the Vehicle & Traffic Law of the Town of Lancaster is amended by repealing Article XI, Parking Meters and adopting Article XI, "Parking of Devices Which May Be Transported or Drawn Upon A Highway Including, but not Limited to Trailers and Campers".

## **CHAPTER 46**

### **Article XI**

**Parking of Devices Which May Be Transported or Drawn Upon A Highway Including, but not Limited to, Trailers and Campers.**

**46-15.1** Parking of Devices which may be transported or drawn upon a highway including, but not limited to, trailers and campers are prohibited from parking on all Town and County roads within the Town of Lancaster.

**AND BE IT FURTHER**

**RESOLVED**, that Section 130 of the Vehicle Town Law of the State of New York, a public hearing on the proposed amendment to the Vehicle & Traffic Ordinance, Chapter 46 of the Code of the Town of Lancaster, County of Erie and State of New York, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 21<sup>st</sup> day of August 2006, at 8:45 o'clock P.M., Local Time, and that Notice of the Time and Place of such hearing be published on or before August 10, 2006, in the Lancaster Bee, the Official Newspaper, being a newspaper of general circulation in said Town, and be posted on the town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 7, 2006

File: r:\nordchp34parkingdevices896

**LEGAL NOTICE  
PUBLIC HEARING  
AMENDMENT TO VEHICLE & TRAFFIC ORDINANCE  
TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK  
DESIGNATED AS CHAPTER 46 OF CODE OF TOWN OF LANCASTER**

**LEGAL NOTICE IS HEREBY GIVEN** that pursuant to the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 7th day of August, 2006, the said Town Board will hold a Public Hearing on the 21st day of August, 2006, at 8:45 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the repealing of Article XI, Parking Meters and adopting of Article XI, "Parking of Devices Which May Be Transported or Drawn Upon A Highway Including, but not Limited to, Trailers and Campers", to the Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 46 of the Code of said Town as follows:

**CHAPTER 46**

**Article XI**

**Parking of Devices Which May Be Transported or Drawn Upon A Highway  
Including, but not Limited to, Trailers and Campers.**

**46-15.1      Parking of Devices which may be transported or drawn upon a highway including, but not limited to, trailers and campers are prohibited from parking on all Town and County roads within the Town of Lancaster.**

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**By:    JOHANNA M. COLEMAN  
Town Clerk**

August 7, 2006

File: rvtordchpt46parkingdevices806

**SUSPENSION GRANTED**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster has previously advertised for bids for furnishing One (1) Evidence Collection Vehicle to the Police Department of the Town of Lancaster in accordance with specifications on file with the Town Clerk of the Town of Lancaster, and

**WHEREAS**, said bids were opened on August 3, 2006, and

**WHEREAS**, the Chief of Police of the Town of Lancaster has recommended the purchase of the beforementioned vehicle in accordance with said specifications from the low bidder thereon, DeLacy Ford, Inc., 3061 Transit Road, Elma, New York 14059.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the bid of DeLacy Ford, Inc. is accepted and that an order for this vehicle is hereby authorized to be placed by the Chief of Police to purchase one (1) Evidence Collection Vehicle at a unit price of \$37,408.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 7, 2006

File: rpolicevehiclepurchase706a

**SUSPENSION GRANTED**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, Homes by Natale, Inc., 2250 Wehrle Drive, Williamsville, New York 14221 has heretofore applied for approval of a 44 single family residential subdivision to be known as "Nicholas Heights Subdivision" located on the south side of William Street between Lake Avenue and Rollingwood Drive in the Town of Lancaster, and

**WHEREAS**, the Planning Board and Town Engineer have given their approval to the filing of this Subdivision, and

**WHEREAS**, the Town acting as lead agency has completed an environmental review in conformance with SEQR (State Environmental Quality Review) regulations, and

**WHEREAS**, the Town Board of the Town of Lancaster has duly reviewed and considered the proposed subdivision;

**NOW, THEREFORE, BE IT**

**RESOLVED**, as follows:

1. That the Town Board of the Town of Lancaster hereby approves the proposed single family residential subdivision as prepared by GPI Engineering & Surveying, LLP dated June 30, 2006 and filed with the Town Clerk on July 18, 2006 for the subdivision to be known as "Nicholas Heights Subdivision" for filing in the Erie County Clerk's office.

2. That the Town Clerk be and is hereby directed to properly endorse the approval of the Town Board of the Town of Lancaster on the linen copy thereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED NO
SUPERVISOR GIZA	VOTED YES

August 7, 2006

File: nicholasheightsfinalplatapproval806

## COMMUNICATIONS & REPORTS:

411. NYS Dept. of Transportation to Town Attorney -  
Grants Town Lead Agency designation regarding Meadowood Apartments II, comments noted. DISPOSITION = Received & Filed
412. Site Development Manager, Kohl's Dept. Store to Town Clerk -  
Comments and requests regarding the Meadowood Apartments II. DISPOSITION = Planning Committee
413. Town Clerk to Town Board -  
Transmittal of Special Use Permit application for J&J Trucking, 6495 Transit Road. DISPOSITION = For Public Hearing
414. Concord Town Clerk to Erie County Legislators, Erie County Towns, Village & Cities -  
Transmittal of a resolution regarding the Legislature's proposed four year plan and a resolution supporting the termination of the Sales Tax Revenue Distribution Agreement. DISPOSITION = Received & Filed
415. Erie County Division of Sewerage Management to Dean Sutton Architects -  
Comments after review of Harris Hill Golf Center site plan. DISPOSITION = Planning Committee
416. Erie County Division of Sewerage Management to Senior Public Health Engineer -  
Comments after review of Pleasant Meadows Subdivision II plan. DISPOSITION = Planning Committee
417. Town of Aurora to Supervisor -  
Transmittal of resolution adopted by the Town Board supporting the termination of the Sales Tax Revenues Distribution Agreement. DISPOSITION = Received & Filed
418. Town of Alden to Supervisor -  
Transmittal of resolution adopted by the Town Board supporting the termination of the Sales Tax Revenues Distribution Agreement. DISPOSITION = Received & Filed
419. Town of Brant to Supervisor -  
Transmittal of resolution adopted by the Town Board supporting the termination of the Sales Tax Revenue Distribution Agreement. DISPOSITION = Received & Filed
420. Town Attorney to Town Board -  
Notification of dismissal of litigation action "Howell, et al. v. Supervisor and Council Members". DISPOSITION = Received & Filed
421. Wm. Schutt & Associates, PC to Town Board -  
Requests to be of assistance with the process to designate a section of Walden Avenue as a qualifying or access highway in the NYS Dept. of Transportation Index. DISPOSITION = Received & Filed
422. Planning Board Chairman to Town Board -  
Recommends rejection of Nicholas Heights Subdivision plan as submitted. DISPOSITION = Planning Committee
423. Erie County Fiscal Stability Authority to Supervisor -  
Notification of Meeting to be held July 26, 2006 at 2 PM at the Buffalo Niagara Convention Center. DISPOSITION = Received & Filed
424. Greater Buffalo-Niagara Regional Transportation Council to Supervisor -  
Notification of Meeting to be held August 2, 2006 at 9:30 AM at 181 Ellicott Street. DISPOSITION = Received & Filed
425. Sardinia Town Clerk to Supervisor -  
Transmittal of resolution adopted by the Town Board supporting the termination of the Sales Tax Revenue Distribution Agreement. DISPOSITION = Received & Filed
426. Director, Lancaster Town Band to Supervisor -  
Progress report on Band Shell Construction Project. DISPOSITION = Received & Filed

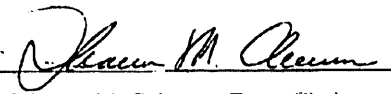


427. Planning Board Chairman to Planning Board, Town Board, Engineering Consultant, Deputy Town Attorney, Highway Superintendent, Building Inspector -  
Draft copy of minutes of meeting held July 19, 2006. DISPOSITION = Received & Filed
428. Planning Board to Town Board -  
Recommend approval of rezone petition regarding proposed Child Day Care Center, 26 Rehm Road; conditions noted. DISPOSITION = Planning Committee
429. Planning Board to Town Board -  
Recommend approval of Preliminary Review regarding proposed Winding Way Three Lot Subdivision; conditions noted. DISPOSITION = Planning Committee
430. General Crew Chief to Planning Board, Council Members Montour, Ruffino, & Stempniak -  
Comments and concerns regarding Revised Final Plat Plan for proposed Nicholas Heights Subdivision. DISPOSITION = Planning Committee
431. General Crew Chief to Planning Board, Council Members Montour, Ruffino, & Stempniak -  
Statement regarding the Final Plat Plan for proposed Pleasant Meadows Patio Homes Subdivision. DISPOSITION = Planning Committee
432. Covanta Niagara, L.P. to Supervisor -  
Notice of price adjustment effective January 1, 2007. DISPOSITION = Received & Filed
433. Arthur A. Herdzik to Supervisor -  
Letter of recommendation to reappoint Joyce Molino as Chairman of the Board of Assessment Review. DISPOSITION = For January Reorganization Meeting
434. Captain Riccardo M. Zuppelli to Supervisor -  
Request ordinance for placement of stop signs in Pleasant Meadows Subdivision. DISPOSITION = For Resolution
435. Town of Lancaster Senior Games to Supervisor -  
Note of appreciation for assistance in Senior Games for 2006. DISPOSITION = Received & Filed
436. The Association of Towns of the State of New York to Supervisor -  
Letter of information regarding proposed legislation pertaining to the plea bargaining system for traffic tickets. DISPOSITION = Received & Filed
437. Fox & Company LLP to Supervisor -  
Transmittal of article from Lancaster Bee regarding Town's financial state. DISPOSITION = Received & Filed
438. Division President, Time Warner Cable to Town Clerk -  
Letter regarding take over of Adelphia Cable system. DISPOSITION = Received & Filed
439. Twin District Fire Co. to Town Clerk -  
Request for change in roster. DISPOSITION = Resolution 8/7/06
440. Town Attorney to Town Board, Planning Board -  
Notice of SEQR meeting to be held August 7, 2006 at 6:30 PM regarding proposed Meadowood Apartments II. DISPOSITION = Received & Filed
441. Town Clerk to Various News Media -  
Notice of SEQR meeting to be held August 7, 2006 at 6:30 PM regarding proposed Meadowood Apartments II. DISPOSITION = Received & Filed
442. Maria-Rose Frisina to Planning Board Chairman -  
Comments and concerns regarding rezone petition of Doodle Bugs Child Care, Rehm Road. DISPOSITION = Planning Committee
443. Susan Willis to Planning Board -  
Comments and concerns regarding rezone petition of Doodle Bugs Child Care, Rehm Road. DISPOSITION = Planning Committee

444. NY State Board of Real Property Services to Supervisor -  
Notice of certification of final State equalization rate for the town. DISPOSITION =  
Received & Filed
445. Eden Town Clerk to Erie County Executive -  
Transmittal of adopted resolution regarding the equitable distribution of the sales tax.  
DISPOSITION = Received & Filed
446. Markar Architectural Products to Supervisor -  
Notice of closing of the Markar plant on Ward Road as of October 5, 2006. DISPOSITION  
= Received & Filed
447. Division President, Time Warner Cable - Buffalo to Supervisor -  
Letter regarding changes in cable channel line-up. DISPOSITION = Received & Filed
448. U.S. Representative Thomas M. Reynolds to Supervisor -  
Transmittal of letter from Federal Communications Commission regarding application from  
Town for emergency communication frequencies. DISPOSITION = Received & Filed
449. Division President, Time Warner Cable - Buffalo to Supervisor -  
Notice of acquisition of cable franchise within the Town. DISPOSITION = Received &  
Filed
450. Director of Criminal Justice, State of New York to Supervisor -  
Notice of grant award from Operation IMPACT Tools to Lancaster Police Department.  
DISPOSITION = Received & Filed
451. Town Clerk to Supervisor -  
Transmittal of monthly report for July 2006. DISPOSITION = Received & Filed
452. Linguine's Italian Restaurant, Inc. to Town Clerk -  
Advisement of liquor license renewal application. DISPOSITION = Town Attorney

**ADJOURNMENT:**

**ON MOTION OF COUNCIL MEMBER RUFFINO, SECONDED BY  
COUNCIL MEMBER MONTGOMERY AND CARRIED,** the meeting was adjourned at 9:34 P.M.

Signed   
Johanna M. Coleman, Town Clerk